The Builder.

NO. LIX.

SATURDAY, MARCH 23, 1844.

EVERY exertion was made by us last week to circulate among our subscribers, not only a copy entire of the proposed new Building-Act, but also to append thereto such critical remarks as we could obtain upon notice so short; but notwithstanding our utmost endeavours we found that we should be compelled either to reset a considerable part of the work (including the schedules of the Bill), already in type, which would have occasioned a whole day's delay, or otherwise that we should publish with the omission of the notes prepared for us relative to the schedules. We in this number give all those notes, with some additions which the increased time has enabled us to procure; and we trust that, although they are not set against the text of the Bill, such precise explanations have been added to them, that no person will find any difficulty in understanding clearly how they relate to the parts of the Bill of which they treat. We have ourselves had opportunity in the interval from our last publication of reviewing the measure generally: we therefore ask the attention of our readers while we make a few observations upon the chief differences which are contemplated between the proposed Building-Act and the present statute.

1st. Power to be given to THE COUNCIL to extend the operation of the proposed Act "TO ANY PLACE WITHIN TWELVE MILES OF CHARING-CROSS."

Some clear definition ought to be given how admeasurement would be made, whether by the roads or by the compasses upon a map; also, if this be carried, whether a town or other place, partly within the twelve miles, is to be wholly included or wholly excluded.

No provision whatever is made for the counties of Essex and Hertford to bear any portion of the expense of the Official Referees and Registrar of Metropolitan Buildings, nor for increasing, according to extent of land, the number of Official Referees, nor for altering the scale of contribution according to the increase in some counties.

2nd. The extending of the powers of the Act "TO ALL PLACES LYING WITHIN TWO HUNDRED YARDS FROM THE DISTRICT HEREBY DEFINED."

In this case the district-surveyors should be sworn in accordingly, otherwise they might be required to perform duty in parishes for which they have not been sworn in to act.

3rd. The dividing public places into the two ranks of streets and alleys.

Commissioners for Paving having the power of making public places either foot-ways or carriage-ways, the restriction in this case would rest with them.

4th. The appointment of A REGISTRAR OF METROPOLITAN BUILDINGS, besides Official Referees.

We do not think the Bill contains sufficient definition as to what kind of person the Registrar should be; and we have heard some fears expressed that if an architect be appointed, he will often be wrong in legal points; and if a barrister be selected for the office, he will improperly have the power of defeating the wisest decisions of the Referees.

We doubt whether less than seven Referees could by any possibility execute the multitudinous duties which are projected for them; and we think unless something could be done to lessen the frequency of appeal to them, grievous delays must arise from the impossibility of two persons exercising such onerous duties, and having to attend to such a multitude of applications. We should envy not the District-surveyors under such appeals, nor the Referees in being so often applied to. The giving these latter officers fixed salaries would be most dignified, but would open them to a frightfully voluminous correspondence and official labour through which few men could go.

5th. The giving powers to dispense on certain occasions with the strict letter of the proposed Act.

This might effect much good, but would raise with some persons an infinitude of expectations that the wholesome provisions of the Act may be evaded by petition, favouritism, or adroit shewing; and to the present vulgar idea, that a guinea may go a great way in rendering an irregular building strictly conformable to statute, would be added less favourable opinions.

6th. Final appeal to the Commissioners of Works and Buildings.

We think such a provision would burthen that body with duties which it would not be able to perform.

7th. Giving power to the Official Referees to assess the liabilities of all persons interested in party-walls.

We think that rules might be drawn up under the sanction of the Official Referees and registrar, by which the district-surveyors might settle the liabilities of all persons concerned in the expense of party-walls, they being allowed certain fees for that purpose.

8th. Dividing buildings into three classes, viz:—Dwelling-houses, Warehouses, and Public buildings—the subdivision of each class into six rates.

We refer on these matters to Mr. Bartholomew's Notes.

9th. The forbidding of projections of any kind over public ways.

We think this would be extremely vexatious, and would have the effect, it is true, of preserving many antiquities, but would also prevent improvements being made, by proprietors giving to their buildings a doomsday duration in order to preserve their rights acquired often before a place became public.

10th. Some restrictions as to drainage.

These are generally wholesome. We refer to Mr. Bartholomew's notes on the subject. We think in certain cases drains larger than mentioned in the Bill should be required.

11th. The forbidding District-Surveyors to survey officially any buildings erected by themselves.

This would tend to make the District-Surveyors in some sort the creatures of the Referees, by their being induced to court employment in other districts.

12th. The requiring of open areas behind buildings.

13th. Altering the mode of procedure in matters relating to party-walls.

We think more exact definitions ought to be made as to the liability of tenants, whether they are to escape repairing dilapidations upon party walls; and whether a ground-landlord, who is to receive benefit from the building of a new party-wall near the end of a lease, should not contribute the greater portion of the expense. We lately had a case wherein the ground-landlord, three years before the end of a lease, rebuilt the next house, which caused the condemnation of the party-wall; and although the house had been well and constantly repaired, all the remaining improved rent of 34l per annum was absorbed by the expense of the new party-wall, which was required for the landlord's benefit when he rebuilt the adjoining house.

14th. Altering the fees of the District-Surveyors to a scale rather lower than the present fees settled seventy years ago, but the granting of some extra fees.

We have some doubt as to the efficient operation of the proposed office of Registrar-of-Metropolitan-Buildings; and this brings us to put forth some ideas which we have long cherished, viz. the urgent necessity for the relief of the other courts by the establishment of

A Court of Architecture.

Whoever has had any thing to do as a witness, a plaintiff, a defendant, an attorney, or in any other capacity, with any case at law connected with building, knows how grievous is such an affair in an ordinary court. It is true some of the judges and some barristers have turned their attention to, and have studied a little of, the subject; but the proceedings are usually such as to disgust nearly all parties concerned, while the virtual denial of justice, through the enormity of expenses, causes the bitterest regret, however grievous may have been a case, that it was not abandoned rather than have followed proceedings, which soon caused the amount of the original matter of dispute to become a mere "*Vanishing-point*," compared to the expense which the costs subtend in the "*Line-of-heights*."

Most of such cases, after witnesses and all other parties have waited several days in court, are after all put off to arbitration, because their technicalities are so indistinctly understood that judges, jury, barristers, and all, desire to have them REFERRED. Now, this reference is usually to a barrister, who is attended by two other barristers, all of whom are nearly equally uninformed on the technicalities of the question in dispute, and who, after hammering away for many days or nights at an enormous expense, for witnesses and attorneys summoned to teach

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